

AMENDED IN SENATE MARCH 22, 2006

SENATE BILL

No. 1214

**Introduced by Committee on Human Services (Senators Alquist
(Chair), Aanestad, Chesbro, Maldonado, and Romero)**

January 30, 2006

An act to amend Sections 12085, 12085.5, 12087, 12727, 12730, 12735, 12736, 12738, 12740, 12741, 12742, 12745, 12747, 12750, 12750.1, 12750.2, 12751, 12752.1, 12753, 12754, 12756, 12760, 12761, 12763, 12768, 12772, 12773, 12776, 12780, 12781, 12785, and 12787 of, *and* to add Section 12758 to, ~~and to repeal Section 12763 of,~~ the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1214, as amended, Committee on Human Services. Community services programs.

~~(1) Existing~~

Existing law establishes the Department of Community Services and Development to perform various functions including coordinating and assisting community action agencies with respect to antipoverty and community services programs. Existing law specifically provides that notwithstanding the law prohibiting conflicts of interests for public officers, the violation of which is punishable as a felony a member of a community development district board may vote on matters before the board that would financially benefit the member or the business or organization that the member directly represents.

This bill would correct obsolete provisions in that law and would make other technical changes in the laws relating to the department and community action agencies. ~~This bill would also repeal the exception to the application of the conflict of interest of law to~~

~~members of a community development district board, thus constituting a state-mandated local program by creating a new crime.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*.
State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12085 of the Government Code is
2 amended to read:

3 12085. (a) (1) Although the economic well-being of the state
4 has progressed to a level surpassing that of any other achieved in
5 world history, and although these benefits are widely shared
6 throughout the state, poverty continues to be the lot of a
7 substantial number of citizens of the state. California can achieve
8 its full economic and social potential as a state only if every
9 individual has the opportunity to contribute the full extent of his
10 or her capabilities and to participate in the workings of society.
11 The Legislature hereby declares that it is the policy of the state to
12 provide a range of services and activities having a measurable
13 and potentially major impact on causes of poverty in our
14 communities, particularly those areas of communities where
15 poverty is an acute problem. Specifically, it is the policy of the
16 state to assist low-income participants, including homeless
17 individuals and families, migrants, and the elderly poor, to do all
18 of the following:

19 (A) Secure and retain meaningful employment.

20 (B) Attain an adequate education.

21 (C) Make better use of available income.

22 (D) Obtain and maintain adequate housing and a suitable
23 living environment.

24 (2) It is further the policy of the state to do all of the following
25 in assisting participants:

26 (A) Provide emergency assistance to meet immediate and
27 urgent individual and family needs, including the need for health

1 services, nutritious food, housing, and employment-related
2 assistance.

3 (B) Coordinate and establish linkages between governmental
4 and other social services programs to ensure the effective
5 delivery of those services to low-income individuals.

6 (C) Encourage the use of entities in the private sector of the
7 community in efforts to ameliorate poverty.

8 (3) The Legislature finds that it is the purpose of this article to
9 strengthen, supplement, and coordinate efforts to further these
10 policies.

11 (b) In order to employ the resources of both the public and
12 private sectors of the state, and to effectuate the purposes of this
13 article, there is within the California Health and Human Services
14 Agency, a Department of Community Services and
15 Development.

16 SEC. 2. Section 12085.5 of the Government Code is amended
17 to read:

18 12085.5. Any reference in any provision of law or regulation
19 to the State Office of Economic Opportunity or the Department
20 of Economic Opportunity shall be deemed to refer to the
21 Department of Community Services and Development.

22 SEC. 3. Section 12087 of the Government Code is amended
23 to read:

24 12087. The department shall have the responsibility, and is
25 hereby vested with all necessary powers and authority to do the
26 following:

27 (a) Recognize existing community action agencies, as
28 originally defined by Section 2790 of Title 42 of the United
29 States Code in the federal Economic Opportunity Act of 1964
30 and as superseded by Section 9902 of that title in the federal
31 Omnibus Budget Reconciliation Act of 1981 (P. L. 97-35), and
32 as further defined in Article 6 (commencing with Section 12750)
33 of Chapter 9 of Division 3 of Title 2, and Indian tribes or tribal
34 organizations, as the operators of programs to serve the poor in
35 local communities, and, where the programs are of a statewide or
36 multicounty nature, other limited purpose agencies may be
37 considered as program operators.

38 (b) Apply for, administer, and oversee federal block grant
39 funds, including, but not limited to, the Community Services
40 Block Grant and the Low-Income Home Energy Assistance

1 Program, and other public and private funds designed to support
2 antipoverty programs in the state *that are not currently*
3 *administered by other departments*, and define and enforce
4 programmatic performance and fiscal accountability standards
5 for those funds.

6 (c) Provide funding and technical assistance, directly or
7 through grants or contracts, to community action agencies, Indian
8 tribes, and other agencies that operate programs of an antipoverty
9 nature.

10 (d) Coordinate antipoverty efforts throughout the state, to the
11 extent permissible under federal law, to avoid duplication,
12 improve delivery of services, and relate programs to one another.

13 (e) Maintain liaison with the federal Department of Health and
14 Human Services, Office of Community Services, county and city
15 commissions on economic opportunity, citizens' groups, and all
16 other governmental agencies engaged in economic opportunity or
17 community service programs, or both.

18 (f) Collect and assemble pertinent information and data
19 available from other agencies of the state and federal
20 governments and disseminate information in the interests of
21 community services programs in the state by publication,
22 advertisement, conference, workshops, programs, lectures, and
23 other means.

24 (g) Plan and evaluate long-range and short-range strategies for
25 overcoming poverty in the state.

26 (h) Mobilize public and private resources in support of
27 antipoverty and community services programs.

28 (i) Encourage participation by residents of poor communities
29 in the development and operation of community action programs
30 for their betterment.

31 (j) Advise the Governor of his or her responsibilities under the
32 Economic Opportunity Program (Chapter 34 (commencing with
33 Section 2701) of Title 42 of the United States Code) and the
34 Community Services Block Grant Program (Chapter 106
35 (commencing with Section 9901) of Title 42 of the United States
36 Code), as well as any other federal law enacted with respect to
37 meeting the needs of the poor.

38 (k) Measure and evaluate, directly or through grants or
39 contracts, the impact of this article and other poverty-related
40 programs authorized by law, in order to determine the

1 effectiveness of the programs in achieving stated goals, impact
2 on related programs, and the structure and mechanisms for the
3 delivery of services. All the offices under the executive branch
4 shall cooperate and provide the necessary information to the
5 director, upon his or her request, to achieve the purposes of this
6 subdivision.

7 ~~(l) Accept gifts, grants, or loans of funds or property, or~~
8 ~~financial or other aid designed to support antipoverty programs in~~
9 ~~the state, from any federal or state agency or private source and~~
10 ~~to comply with conditions thereof not contrary to law.~~

11 ~~(m)–~~

12 (l) Promulgate regulations and negotiate and execute contracts
13 necessary or convenient for the exercise of its responsibilities,
14 powers and functions, and to ensure that federal and state
15 standards of programmatic performance and fiscal accountability
16 are met.

17 SEC. 4. Section 12727 of the Government Code is amended
18 to read:

19 12727. All activities of the California Community Services
20 Block Grant Program eligible entities shall have the following
21 basic and specific purposes:

22 (a) The basic purpose of this chapter is to stimulate an
23 effective concentration of all available local, state, private, and
24 federal resources upon the goal of enabling low-income families,
25 and low-income individuals of all ages, in rural and urban areas
26 to attain the skills, knowledge, and motivations and to secure the
27 opportunities needed for them to become fully self-sufficient.

28 (b) The specific purposes of this chapter are to promote, as
29 methods of achieving an effective concentration of resources on
30 the goal of individual and family self-sufficiency, the following:

31 (1) The strengthening of community capabilities for planning
32 and coordinating federal, state, private, and other assistance
33 related to the elimination of poverty, so that this assistance,
34 through the efforts of local officials, organizations, and interested
35 and affected citizens, can be made more responsive to local needs
36 and conditions.

37 (2) The coherent organization of a range of services related to
38 the needs of the poor, so that these services may be made more
39 effective and efficient in helping families and individuals to
40 overcome poverty-related problems in a way that takes into

1 account, and supports, their progress in overcoming identified
2 causes of poverty.

3 (3) The implementation, subject to adequate evaluation, of
4 new types of services and innovative approaches toward
5 eliminating causes of poverty, so as to develop increasingly
6 effective methods of employing available resources.

7 (4) Maximum feasible participation of members of the groups
8 and residents of the low-income areas to be served by programs
9 and projects in the development and implementation of those
10 programs and projects, in order to assure that all programs and
11 projects are meaningful to, and widely utilized by, their intended
12 beneficiaries.

13 (5) The broadening of the resource base directed towards the
14 elimination of poverty, so as to secure, in addition to the services
15 and assistance of public officials, private religious, charitable,
16 and neighborhood organizations, and individual citizens, a more
17 active role for business, labor, and professional groups able to
18 provide employment opportunities or otherwise influence the
19 quantity and quality of services of concern to the poor.

20 (c) It is the finding of the Legislature that these state purposes
21 and the intent of the federal Community Services Block Grant
22 will best be served by enacting the program policies and
23 requirements contained in this chapter.

24 SEC. 5. Section 12730 of the Government Code is amended
25 to read:

26 12730. For the purposes of this chapter:

27 (a) "Community Services Block Grant" refers to the federal
28 funds and program established by the federal Community
29 Services Block Grant Program in the Omnibus Budget
30 Reconciliation Act of 1981 as contained in Public Law 97-35, as
31 that law has been amended from time to time and as currently
32 codified as Section 9901 et seq. of Title 42 of the United States
33 Code.

34 (b) "Contract" means the written document incorporating the
35 terms and conditions under which the department agrees to
36 provide financial assistance to an eligible entity. Upon its
37 cosigning by authorized agents of the department and the eligible
38 entity, and subsequent approval by the Department of General
39 Services pursuant to Section 10295 of the Public Contract Code,
40 a contract shall be deemed to be valid and enforceable.

1 (c) “Director” means the Director of Community Services and
2 Development.

3 (d) *“Delegate agency” or “subcontractor” means a private*
4 *nonprofit organization or public agency that operates one or*
5 *more projects funded under this chapter pursuant to a*
6 *contractual agreement with an eligible entity.*

7 ~~(d)~~

8 (e) “Department” means the Department of Community
9 Services and Development as constituted pursuant to Article 8
10 (commencing with Section 12085) of Chapter 1.

11 ~~(e)~~

12 (f) “Designation” means the formal selection of a proposed
13 community action agency by the director, as provided in Section
14 12750.1.

15 ~~(f)~~

16 (g) “Eligible entity” means an agency or organization as
17 defined in Section 9902 of Title 42 of the United States Code, as
18 amended, and may include ~~private nonprofit organizations,~~
19 ~~including or religious organization or a private nonprofit~~
20 *organization or public agency that operates one or more projects*
21 *funded under this chapter pursuant to a contract with the*
22 *department.*

23 ~~(g)~~

24 (h) “Eligible beneficiaries” means all of the following:

25 (1) All individuals living in households with ~~incomes at or~~
26 ~~below the official poverty line as defined by the United States~~
27 ~~Office of Management and Budget. incomes not to exceed 125~~
28 *percent of the official poverty line according to the poverty*
29 *guidelines updated periodically in the Federal Register by the*
30 *United States Department of Health and Human Services as*
31 *defined in Section 9902 of Title 42 of the United States Code, as*
32 *amended.*

33 (2) All individuals eligible to receive Temporary Assistance
34 for Needy Families under the states’s plan approved under Public
35 Law 104-193, the Personal Responsibility and Work
36 Opportunity Reconciliation Act of 1996, and (Chapter 2
37 (commencing with Section 11200) of Part 3 of Division 9 of the
38 Welfare and Institutions Code) or assistance under Part A of Title
39 IV of the Social Security Act (42 U.S.C. Sec. 601 et seq.).

(3) Residents of a target area or members of a target group having a measurably high incidence of poverty and which is the specific focus of a project financed under this chapter.

~~(h)~~

(i) “Financial assistance” means money provided by the department to an eligible entity, pursuant to an approved contract agreement, in order to enable the eligible entity to accomplish its planned and approved work program.

~~(i)~~

(j) “Political subdivision” shall generally be deemed to mean county government, with the following exceptions:

(1) In any county which prior to October 1, 1981, had more than one designated community action agency, each unit of local government which contained a designated community action agency shall continue to operate as a “political subdivision” under this chapter.

(2) Any county having fewer than 50,000 population according to the most recent census available may be deemed by the department to be part of a larger “political subdivision” comprising two or more counties if the department determines that to do so would ~~but~~ best serve the purposes of this chapter, and may participate in the designation process for a multicounty community action agency.

~~(j)~~

(k) “Secretary” means the Secretary of the United States Department of Health and Human Services.

~~(k)~~

(l) “Standards of effectiveness” are the general standards, derived from the purposes of this chapter *and the assurances and certifications made by the state to the secretary in the state plan*, as further stated in subdivision (g) of Section 12745 and as they may be more specifically defined in regulation ~~or contract~~, toward which all programs and projects funded under this chapter shall be directed and against which they will be assessed.

~~(l)~~

(m) “State plan” means the plan required to be submitted ~~annually~~ to the secretary to secure California’s allotment of Community Services Block Grant funds, which shall be prepared and reviewed pursuant to the requirements of this chapter.

1 ~~(m) “Subcontractor” means a private nonprofit organization,~~
2 ~~including a religious organization or a public agency that~~
3 ~~operates one or more projects funded under this chapter pursuant~~
4 ~~to a contractual agreement with an eligible entity.~~

5 SEC. 6. Section 12735 of the Government Code is amended
6 to read:

7 12735. (a) The Governor shall submit an application
8 containing the assurances and certification required under
9 Section 12736 to the secretary in ~~such a~~ form as the secretary
10 may require pursuant to Section 9908 of Title 42 of the United
11 States Code, as amended.

12 (b) Since under the terms of Section 9901 et seq. of Title 42 of
13 the United States Code, as amended, the secretary may not
14 prescribe the manner in which states shall comply with the
15 provisions set forth in subdivision (a), it is the intent of the
16 Legislature that California’s manner of compliance shall be
17 controlled in the first instance by this chapter, and further by the
18 state plan and ~~such~~ *those* regulations as may be promulgated by
19 the department, pursuant to the Administrative Procedure Act
20 (Chapter 3.5 (commencing with Section 11340), Chapter 4
21 (commencing with Section 11370), Chapter 4.5 (commencing
22 with Section 11400), and Chapter 5 (commencing with Section
23 ~~11370~~ 11500) of Division 2 of Title 3.

24 (c) The state administering agency for the California
25 Community Services Block Grant Program shall be the
26 Department of Community Services and Development.

27 SEC. 7. Section 12736 of the Government Code is amended
28 to read:

29 12736. For the purposes of Section 12735, the application
30 shall contain assurance and certification that the state shall
31 comply with all of the items listed below. The application shall
32 include information as to how each assurance will be carried out.

33 (a) Conduct legislative hearings on the proposed use and
34 distribution of Community Services Block Grant funds prior to
35 the submission of each application.

36 (b) Use Community Services Block Grant funds as provided in
37 Section 12745.

38 (c) Use not less than 90 percent of the Community Services
39 Block Grant funds allotted to the state to make grants to eligible

1 entities that meet the provisions of Section 9901 et seq. of Title
2 42 of the United States Code, as amended.

3 (d) Expend not more than 5 percent of the state's allotment for
4 administrative costs at the state level.

5 (e) Assure that any community action agency or migrant and
6 seasonal farmworker organization that received financial
7 assistance in the previous fiscal year under this chapter shall not
8 have its present or future financial assistance terminated pursuant
9 to this chapter unless, after notice and opportunity for hearing on
10 the record, the department determines that cause existed for the
11 termination, subject to review by the secretary as provided in
12 Sections 9908 and 9915 of Title 42 of the United States Code, as
13 amended.

14 (f) Give special consideration, as defined in Section 9909(b) of
15 Title 42 of the United States Code, in the designation of local
16 community action agencies to any community action agency
17 which was receiving funds under any federal antipoverty
18 program on the date of the enactment of federal Public Law
19 97-35, except that the state shall, before giving ~~such~~ special
20 consideration, determine that the agency involved meets program
21 and fiscal requirements established by the state. If there is no
22 such agency because of any change in the assistance furnished to
23 programs for economically disadvantaged persons, the state shall
24 give special consideration in the designation of community
25 action agencies to any successor agency which is operated in
26 substantially the same manner as the predecessor agency which
27 did receive funds in the fiscal year preceding the fiscal year for
28 which the determination is made.

29 (g) Decline to avail itself of permission to transfer Community
30 Services Block Grant funds, not to exceed 5 percent of the state's
31 allotment, to other specified programs.

32 (h) Prohibit any political activities in accordance with Section
33 9918 of Title 42 of the United States Code, as amended.

34 (i) Prohibit any activities to provide voters and prospective
35 voters with transportation to the polls or provide similar
36 assistance in connection with an election or any voter registration
37 activity.

38 (j) *Prohibit the use of funds in accordance with Section*
39 *9920(c) of Title 42 of the United States Code, as amended, and*

1 *as further defined in Part 87 of Title 45 of the Code of Federal*
2 *Regulations, as amended.*

3 ~~(j)~~

4 (k) Provide for coordination between antipoverty programs in
5 each community, where appropriate, with emergency energy
6 crisis intervention programs under Title XXVI of federal Public
7 Law 97-35, as amended, (relating to low-income home energy
8 assistance) conducted in ~~such~~ *that* community.

9 ~~(k)~~

10 (l) Provide that fiscal control and fund accounting procedures
11 will be established as may be necessary to assure the proper
12 disbursement of and accounting for federal funds paid to the state
13 under this chapter, including procedures for monitoring the
14 assistance provided under this chapter, and provide that at least
15 every year the state shall prepare, in accordance with Public Law
16 98-502 (Single Audit Act of 1984), as amended, an audit of
17 expenditures under this chapter of amounts received under the
18 Community Services Block Grant and amounts transferred to
19 carry out the purposes of the Community Services Block Grant.

20 ~~(l)~~

21 (m) Permit and cooperate with federal investigations
22 undertaken in accordance with Public Law 97-35, as amended.

23 SEC. 8. Section 12738 of the Government Code is amended
24 to read:

25 12738. In addition to the general powers vested in the
26 Department of Community Services and Development by Section
27 12087, the department may promulgate regulations, make grants,
28 and enter into contracts as necessary and appropriate to carry out
29 its responsibilities under this chapter.

30 SEC. 9. Section 12740 of the Government Code is amended
31 to read:

32 12740. The department shall prepare a state plan for the
33 California Community Services Block Grant Program, as
34 required by the secretary, which shall include all of the
35 following:

36 (a) A statement of goals and objectives.

37 (b) Information on the types of activities to be supported,
38 geographic areas to be served, and categories or characteristics of
39 individuals to be served.

1 (c) The criteria and method established for the distribution of
2 funds, including details on how the distribution of funds will be
3 targeted on the basis of need.

4 (d) A description of how the state plan for the previous
5 program period has met the goals, objectives and needs identified
6 in the prior state plan through the use of funds in that program
7 period.

8 (e) A description of the process by which the state plan has
9 been developed, distributed and reviewed by both the general
10 public, groups and individuals with an interest in the state's
11 Community Services Block Grant Program, and the Legislature.

12 (f) An explanation of how critical comment was received,
13 reviewed and either incorporated or rejected by the department
14 prior to final submission of the state plan.

15 (g) The department's most current information regarding the
16 projected federal Community Services Block Grant allocation to
17 the state.

18 (h) A report of current and planned expenditures of
19 discretionary funds.

20 SEC. 10. Section 12741 of the Government Code is amended
21 to read:

22 12741. The state's planning process shall include the
23 following:

24 (a) The state plan shall identify eligible activities and the
25 eligible entities which will conduct those activities in order to
26 meet the general goals of the California Community Services
27 Block Grant Program and the specific goals of the program. The
28 plan shall, particularly with respect to subdivision (d) of Section
29 12740, reflect the aggregate of community action plans in order
30 to fairly represent the most essential characteristic of the
31 California Community Services Block Grant Program, which is
32 its adherence to the principle of community self-help.

33 (b) The appropriate policy committee of the Assembly or the
34 Senate, or both shall conduct one or more public hearings on the
35 proposed use and distribution of funds provided under the
36 California Community Services Block Grant Program. Prior to
37 the hearing, the department shall forward to the policy
38 committees a list of the activities it has identified as statewide
39 priorities pursuant to subdivision (e) of Section 12745, in order to
40 notify the Legislature and the public of the issues to be addressed

1 by the department at each hearing. The chairs of the policy
2 committees may request additional issues to be reported on by
3 the department. The hearings shall be conducted in such a
4 manner as to satisfy the legislative hearing requirement of federal
5 Public Law 97-35, as amended, and to give the Legislature an
6 opportunity to certify that the state plan conforms to the
7 requirements of this chapter. At the discretion of the respective
8 chairs, the policy committees may hold a single or joint hearing,
9 or both to satisfy the requirements of this section.

10 (c) The department shall make adjustments to the state plan as
11 a result of public comments presented at the legislative hearing
12 as well as written comments which are submitted to the
13 department. The department shall identify all testimony
14 presented by the poor, and shall state whether the concerns
15 expressed therein have been included in the plan. If any of those
16 concerns have not been included in the plan the department shall
17 specify in the plan the reasons for the rejection of those concerns.
18 Concerns shall only be rejected if there is good cause for the
19 rejection.

20 (d) The committees conducting the hearings pursuant to
21 subdivision (b) shall determine whether the concerns of the poor
22 have been included in the state plan, as adjusted, or rejected for
23 good cause. Before the final state plan is submitted to the
24 secretary, the chairs of the committees conducting hearings shall
25 certify that the state plan conforms with the requirements of this
26 chapter.

27 (e) Upon receiving the certification required in subdivision
28 (d), the department shall submit the final state plan, as required
29 by Section 9908 of Title 42 of the United States Code, as
30 amended, to the secretary, and shall provide a copy to all eligible
31 entities and state legislators no more than one week thereafter.

32 SEC. 11. Section 12742 of the Government Code is amended
33 to read:

34 12742. The current state plan may be amended by the
35 department at any time during the program year, provided that
36 any proposed amendments, together with the reasons therefor,
37 are distributed to all eligible entities and state legislators for a
38 30-day comment period commencing at least 45 days prior to
39 their planned date of submission to the secretary.

SEC. 12. Section 12745 of the Government Code is amended to read:

12745. (a) Eligible activities for which financial assistance may be obtained pursuant to this chapter shall be designed to have a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. These activities shall be designed to assist low-income participants to do all the following:

- (1) Secure and retain meaningful employment.
- (2) Attain an adequate education.
- (3) Make better use of available income.
- (4) Obtain and maintain adequate housing and suitable living environment.
- (5) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment-related assistance.
- (6) Remove obstacles and solve problems which block the achievement of self-sufficiency.
- (7) Achieve greater participation in the affairs of the community.
- (8) Address the needs of youth in low-income communities.
- (9) Make more effective use of other programs related to the purposes of this chapter.

(b) Additionally, activities shall be designed to do all of the following:

- (1) Provide on an emergency basis for the provision of the supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor.
- (2) Coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of ~~such~~ *those* services to low-income individuals.
- (3) Encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community.

(c) Each eligible entity shall, through the local planning process, select and propose for funding the programs or projects which, in its judgment, will produce the maximum impact on its community.

1 (d) Entities eligible for funding under Article 9 (commencing
2 with Section 12775) are limited purpose agencies which need not
3 respond to the broad range of eligible activities but may provide
4 specialized training, technical assistance and support services to
5 enhance the effectiveness of community action programs,
6 migrant and seasonal farmworker programs, and American
7 Indian programs.

8 (e) The department may prescribe statewide priorities among
9 eligible activities or strategies which shall be considered and
10 addressed in the local planning process and described in the
11 community action plan submitted to the state. Each eligible entity
12 shall be authorized to set its own program priorities in
13 conformance to its own determination of local needs.

14 (f) If no other entity in the community provides those services,
15 eligible entities under Article 6 (commencing with Section
16 12750), Article 7 (commencing with Section 12765), or Article 8
17 (commencing with Section 12770) shall provide a minimum
18 level of services to help the poor receive the benefits for which
19 they are eligible under health, food, income, and housing
20 assistance programs designed to meet the basic survival needs of
21 the poor. These services shall include, but shall not be limited to,
22 all of the following:

23 (1) A service to help the poor complete the various required
24 application forms, and, when necessary and possible, to help
25 them gather verification of the contents of completed
26 applications.

27 (2) A service to explain program requirements and client
28 responsibilities in programs serving the poor.

29 (3) A service to provide transportation, when necessary and
30 possible.

31 (4) A service which does all things necessary to make the
32 programs accessible to the poor, so that they may become
33 self-sufficient.

34 (g) Standards of effectiveness to be addressed and attained in
35 setting goals and assessing accomplishments are:

36 (1) Strengthened community capabilities for planning and
37 coordinating so as to insure that available assistance related to
38 the elimination of poverty can be more responsive to local needs
39 and conditions.

1 (2) Better organization of services related to the needs of the
2 poor.

3 (3) Maximum feasible participation of the poor in the
4 development and implementation of all programs and projects
5 designed to serve the poor.

6 (4) Broadened resource base of programs directed to the
7 elimination of poverty so as to include all elements of the
8 community able to influence the quality and quantity of services
9 to the poor.

10 (5) Greater use of new types of services and innovative
11 approaches in attacking causes of poverty, so as to develop
12 increasingly effective methods of employing available resources.

13 (6) Maximum employment opportunity, including opportunity
14 for further occupational training and career development for
15 residents of the area and members of the groups served.

16 (7) Those programmatic and fiscal standards set by the
17 department through regulation ~~or by inclusion in the terms and~~
18 ~~conditions of a contract~~ *that are necessary to enable the*
19 *department to demonstrate the assurances and certifications it*
20 *makes to the secretary in the state plan.*

21 (h) In administering the California Community Services Block
22 Grant program, the department shall enforce all the
23 programmatic and fiscal requirements and standards of
24 effectiveness provided by this chapter, except that no eligible
25 entity shall be determined to be out of compliance with
26 programmatic or fiscal requirements established by the
27 department until those requirements and standards are published
28 for review and comment by the eligible entities and until eligible
29 entities are afforded a reasonable opportunity to comply
30 therewith.

31 SEC. 13. Section 12747 of the Government Code is amended
32 to read:

33 12747. (a) Community action plans shall be developed ~~each~~
34 ~~year~~ by eligible entities as required by the secretary and the
35 director using processes which assess poverty-related needs,
36 available resources, and feasible goals and strategies, and which
37 yield program priorities consistent with standards of
38 effectiveness established for this program. Community action
39 plans shall identify eligible activities to be funded in the program
40 service areas and the needs which each activity is designed to

1 meet. ~~Local~~ *Community action* plans shall provide for the
2 contingency of reduced federal funding.

3 (b) All eligible entities shall submit their grant applications,
4 including local plan and report of the public hearing, if required,
5 to the department no later than June 30 of each year.

6 (c) Each eligible entity not serving a statewide area shall
7 conduct a local public hearing for the purpose of reviewing the
8 local plans of all eligible entities located or operating within a
9 political subdivision served or proposed to be served pursuant to
10 this chapter.

11 (d) ~~Agencies~~ *Eligible entities* holding hearings pursuant to this
12 article shall identify all testimony presented by the poor, and
13 shall determine whether the concerns expressed by that testimony
14 have been addressed in the plan. If the agency determines that
15 any of these concerns have not been included in the plan, it shall
16 specify in its response to the plan information about those
17 concerns and comment as to their validity.

18 SEC. 14. Section 12750 of the Government Code is amended
19 to read:

20 12750. (a) A community action agency shall be a public or
21 private nonprofit agency; ~~including a religious organization,~~ that
22 fulfills all of the following requirements:

23 (1) Has been designated by the director to operate a
24 community action program.

25 (2) Has a tripartite board structure meeting the requirements of
26 Section 12751.

27 (3) Has the power, authority, and capability to plan, conduct,
28 administer, and evaluate a community action program, including
29 the power to enter into contracts with other public and private
30 nonprofit agencies and organizations to assist in fulfilling the
31 purposes of this chapter.

32 (b) A community action program is a locally planned and
33 operated program comprising a range of services and activities
34 having a measurable and potentially major impact on causes of
35 poverty in the community or those areas of the community where
36 poverty is a particularly acute problem.

37 (c) Component services and activities of a community action
38 program may be administered directly by the community action
39 agency, or by other agencies pursuant to ~~contractual~~ *delegation*
40 *or subcontractual* agreements with the eligible entity. They may

1 be projects eligible for assistance under this chapter, or projects
2 assisted from other public or private sources, and they may be
3 either specially designed to meet local needs, or designed
4 pursuant to the eligibility standards of the state or federal
5 program providing assistance to a particular kind of activity
6 which will help in meeting those needs.

7 (d) For the purpose of this chapter, a community may be a
8 city, county, multicity or multicounty unit, which provides a
9 suitable organizational base and possesses the commonality of
10 interest needed for a community action program.

11 SEC. 15. Section 12750.1 of the Government Code is
12 amended to read:

13 12750.1. (a) No new community action agency may be
14 designated by the director for a political subdivision that is
15 served by an existing community action agency unless any of the
16 following exist:

17 (1) The political subdivision is informed in writing by the
18 director that the existing community action agency has failed to
19 comply, after having a reasonable opportunity to do so, with the
20 requirements of this chapter, *subject to paragraph (5) of*
21 *subdivision (c) of Section 12781.*

22 (2) The political subdivision is informed by its existing
23 community action agency that because of changes in assistance
24 furnished to programs to economically disadvantaged persons it
25 can no longer operate a satisfactory community action program.

26 (3) The director is petitioned by significant numbers of
27 eligible beneficiaries to reconsider its existing designation and,
28 based on that reconsideration, determines to designate an
29 alternate community action agency.

30 (b) In the event that the designation of an existing community
31 action agency is revoked, the director shall designate a new
32 community action agency within a period of 90 days after the
33 effective date of the revocation, *subject to Section 12750.2.*

34 (c) New community action agency designations may be made
35 ~~by~~ *in* political subdivisions or combinations of political
36 subdivisions in a county or portion thereof for which no
37 community action agency has been designated provided that the
38 community to be served has a population of at least 50,000 as
39 determined by the Bureau of Census from the most recent
40 available census or survey. The director may waive the general

1 requirement that the community to be served have a population
2 of at least 50,000 in those instances where no practical grouping
3 of contiguous political subdivisions can be made in order to meet
4 that requirement.

5 (d) A private nonprofit agency which serves a political
6 subdivision or combination of political subdivisions having more
7 than 50,000 population, shall be entitled to petition the
8 department for state designation as a community action agency,
9 provided it has a governing board meeting community action
10 agency requirements and has the capability to plan, conduct,
11 administer, and evaluate a community action program.

12 SEC. 16. Section 12750.2 of the Government Code is
13 amended to read:

14 12750.2. For purposes of serving any area of the state in
15 which community action programs cease to be provided, the
16 director shall designate an organization in accordance with
17 Section 9909 of Title 42 of the United States Code, as amended,
18 *and through a process that shall include all of the following:*

19 (a) *Notice of intent to designate.*

20 (b) *Request for proposals by any political subdivision or by*
21 *any other qualified organization that can demonstrate adequate*
22 *representation of low-income individuals in the development,*
23 *planning, implementation, and evaluation of the community*
24 *action program.*

25 (c) *Invitation to the political subdivision to participate in the*
26 *review of the proposals.*

27 SEC. 17. Section 12751 of the Government Code is amended
28 to read:

29 12751. Each community action agency shall have a board of
30 directors conforming to the following requirements:

31 (a) One-third of the members of the board are elected public
32 officials, currently holding office, or their representatives, except
33 that if the number of elected officials reasonably available and
34 willing to serve is less than one-third of the membership of the
35 board, membership on the board of appointive public officials
36 may be counted in meeting this requirement.

37 (b) At least one-third of the members are persons chosen in
38 accordance with democratic selection procedures outlined in
39 regulations promulgated by the department to assure that the
40 members represent the poor and reside in the area served.

1 (c) The remainder of the members are officials or members of
2 business, industry, labor, religious, human services, education, or
3 other major groups and interests in the community.

4 SEC. 18. Section 12752.1 of the Government Code is
5 amended to read:

6 12752.1. (a) If a political subdivision or local government is
7 designated as a community action agency, it shall do all of the
8 following:

9 (1) Establish a tripartite advisory or administering board to
10 provide input to the political subdivision or local government
11 regarding the activities of the community action agency.

12 (2) Share with its tripartite board the determination of the
13 community action agency's program plans and priorities.

14 (3) Provide for the participation of the tripartite board in the
15 selection of the executive director of the community action
16 agency, unless prohibited by local law, city charter, or civil
17 service procedure.

18 (b) The political subdivision or local government may,
19 consistent with general and local law, delegate any or all of the
20 following powers to the ~~advisory or administering~~ *tripartite*
21 board:

22 (1) To determine its own rules and procedures and to select its
23 own officers and executive committee.

24 (2) To determine, subject to the ratification of designating
25 officials, the community action agency's major personnel,
26 organizational, fiscal, and program policies.

27 (3) To approve, subject to the ratification of designating
28 officials, all program proposals, budgets and subcontractor
29 agreements.

30 (4) To oversee the extent and the quality of the participation of
31 the poor in the programs of the community action agency.

32 SEC. 19. Section 12753 of the Government Code is amended
33 to read:

34 12753. (a) Each community action agency shall adopt
35 procedures to provide a continuing and effective mechanism for
36 securing broad community involvement in programs assisted
37 under this act and ~~that for~~ *for* all groups or elements represented on
38 ~~those boards the tripartite board~~ have a full and fair opportunity
39 to participate in decisions affecting those programs.

(b) Community action agencies shall establish procedures under which community agencies and representative groups of the poor which feel themselves inadequately represented on the ~~community administering board or governing tripartite~~ board may petition for adequate representation.

SEC. 20. Section 12754 of the Government Code is amended to read:

12754. In exercising its powers and carrying out its overall responsibility for a community action program, a community action agency shall have, subject to the purposes of this chapter, at least the following functions:

(a) Planning systematically for and evaluating the program, including actions to develop information as to the problems and causes of poverty in the community, determine how much and how effectively assistance is being provided to deal with those problems and causes, and establish priorities among projects, activities, and areas as ~~need~~ *needed* for the best and most efficient use of resources.

(b) Encouraging agencies engaged in activities related to the community action program to plan for, secure, and administer assistance available under this chapter or from other sources on a common or cooperative basis; providing planning or technical assistance to those agencies; and generally, in cooperation with community agencies and officials, undertaking actions to improve existing efforts to overcome poverty.

(c) Initiating and sponsoring projects responsive to needs of the poor which are not otherwise being met.

(d) Establishing effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interests, providing for their regular participation in the implementation of those programs, and providing technical and other support needed to enable the poor and neighborhood groups to secure on their own behalf available assistance from public and private sources.

(e) Joining with and encouraging business, labor, and other private groups and organizations to undertake, together with public officials and agencies, activities, in support of the community action program which will result in the additional use of private resources and capabilities, with a view to such things as developing new employment opportunities, stimulating

1 investment that will have a measurable impact in reducing
2 poverty among residents of areas of concentrated poverty, and
3 providing methods by which residents of those areas can work
4 with private groups, firms, and institutions in seeking solutions to
5 problems of common concern.

6 ~~SEC. 20.~~

7 *SEC. 21.* Section 12756 of the Government Code is amended
8 to read:

9 12756. Every community action agency has a fundamental
10 responsibility to encourage, assist, and strengthen the ability of
11 the poor in the areas served by the community action agency to
12 play major roles in the organization; program planning; goal
13 setting; determination of priorities; decisions concerning
14 budgeting and financial management; key decisions concerning
15 hiring of personnel, selection criteria, personnel policies, and
16 career development programs; and evaluation of programs
17 affecting their lives. The fundamental responsibility of the
18 community action agency includes:

19 (a) Seeking and bringing about ways to improve its own
20 effectiveness as a channel through which the poor, local
21 government and private groups can communicate, plan and act
22 together in partnership. In ~~such~~ *that* a partnership, the poor shall
23 have a strong voice or role, both directly and through
24 representatives whom they have chosen.

25 (b) Providing the representatives of the poor serving on the
26 ~~board of directors~~ *tripartite board* of the community action
27 agency with the tools and the support, including guidance,
28 training, and staff assistance, which will permit them to
29 participate meaningfully in the affairs of the community action
30 agency, and in all of its programs and subcontractor agencies.

31 (c) Encouraging the development of effective local
32 organizations established and controlled by residents of poverty
33 neighborhoods and areas. Community action agencies are
34 expected to provide training, technical assistance, and staff
35 resources to enable the poor to develop, administer, and
36 participate effectively in local area programs and to enter into the
37 broader community discussion of poverty problems and
38 solutions.

39 (d) Providing employment for poor persons in all phases of the
40 community action program.

1 (e) Continually ensuring that subcontractor agencies involve
2 poor persons in the planning, conduct, and evaluation of
3 subcontracted programs.

4 (f) Working for the acceptance by other public and private
5 agencies and organizations serving the community of effective
6 and growing involvement of the poor in the planning, conduct
7 and evaluation of all activities which affect them and their
8 inclusion in career jobs in the agencies.

9 ~~SEC. 21.~~

10 *SEC. 22.* Section 12758 is added to the Government Code, to
11 read:

12 12758. All Community Services Block Grant funds made
13 available by Congress shall be used by the state, together with
14 any state funds as may from time to time be appropriated for this
15 program, and any funds as may be transferred to this program
16 from other federal block grants, in accordance with the annual
17 Budget Act.

18 No transfer of funds is permitted, under any circumstance,
19 from the California Community Services Block Grant Program to
20 any other block grant or program administered by the state or by
21 the federal government.

22 ~~SEC. 22.~~

23 *SEC. 23.* Section 12760 of the Government Code is amended
24 to read:

25 12760. Community action agencies funded under this article
26 shall coordinate their plans and activities with other eligible
27 entities funded under Articles 7 (commencing with Section
28 12765) and 8 (commencing with Section 12770) which serve any
29 part of their communities, so that funds are not used to duplicate
30 particular services to the same beneficiaries and plans and
31 policies affecting all grantees under this chapter are shaped, to
32 the extent possible, so as to be equitable and beneficial to all
33 community agencies and the populations they serve.

34 ~~SEC. 23.~~

35 *SEC. 24.* Section 12761 of the Government Code is amended
36 to read:

37 12761. A community action agency or eligible entity shall not
38 use any funds received under this article to replace discontinued
39 state or local funding.

40 ~~SEC. 24.~~ ~~Section 12763 of the Government Code is repealed.~~

1 *SEC. 25. Section 12763 of the Government Code is amended*
2 *to read:*

3 ~~12763. Notwithstanding Consistent with Section 1090, a no~~
4 ~~member may of the Legislature, or any state, county, district,~~
5 ~~judicial district, or city officer or employee who also serves on a~~
6 ~~tripartite board shall vote on any matters a contract or other~~
7 ~~matter before a community development district tripartite board,~~
8 ~~as provided for in the Housing and Community Development Act~~
9 ~~of 1974 (Pub. L. 93-383), except those which that would have a~~
10 ~~direct bearing on services to be provided by that member (or,~~
11 ~~officer, or employee, or any business or organization which that~~
12 ~~member, officer, or employee directly represents) represents or~~
13 ~~which that would financially benefit the that member, officer, or~~
14 ~~employee, or the business or organization which the member,~~
15 ~~officer, or employee directly represents.~~

16 ~~SEC. 25.~~

17 *SEC. 26. Section 12768 of the Government Code is amended*
18 *to read:*

19 ~~12768. Migrant and seasonal farmworker program grantees~~
20 ~~entities funded by the department shall coordinate their plans and~~
21 ~~activities with other eligible entities funded by the department to~~
22 ~~avoid duplication of services and to maximize services for all~~
23 ~~eligible beneficiaries.~~

24 ~~SEC. 26.~~

25 *SEC. 27. Section 12772 of the Government Code is amended*
26 *to read:*

27 ~~12772. American Indian grantees entities funded by the~~
28 ~~department shall be limited to tribes and other Indian~~
29 ~~organizations in urban or rural off-reservation areas who~~
30 ~~demonstrate community governance, such as Indian nonprofit~~
31 ~~organizations, who meet the criteria of eligible entity as defined~~
32 ~~in subdivision (f) of Section 12730. In a county having a~~
33 ~~population of over 7,000,000 persons, the County Community~~
34 ~~Action Agency may serve as the eligible entity if (1) requested to~~
35 ~~serve in this capacity by a commission composed of~~
36 ~~representatives of American Indian beneficiaries in that county~~
37 ~~and (2) the board of supervisors of the county shares grant~~
38 ~~allocation authority with an appropriate American Indian entity.~~
39 ~~American Indian programs funded under this article shall~~
40 ~~coordinate their plans and activities with other eligible entities~~

1 funded by the department to avoid duplication of services and to
2 maximize services for eligible beneficiaries.

3 ~~SEC. 27.~~

4 *SEC. 28.* Section 12773 of the Government Code is amended
5 to read:

6 12773. American Indian entities funded by the department
7 and operating under authority of this chapter in the prior program
8 year shall have the same protections against defunding as defined
9 in subdivision (e) of Section 12736.

10 ~~SEC. 28.~~

11 *SEC. 29.* Section 12776 of the Government Code is amended
12 to read:

13 12776. Limited purpose agencies funded under this article
14 shall coordinate their plans and activities with other eligible
15 entities funded by the department to avoid duplication of services
16 and to maximize services for all eligible beneficiaries.

17 ~~SEC. 29.~~

18 *SEC. 30.* Section 12780 of the Government Code is amended
19 to read:

20 12780. The powers and responsibilities of the department as
21 the state administering agency for the California Community
22 Services Block Grant Program are *those* necessary to do all of the
23 following:

24 (a) Ensure that all applicable federal requirements of Subtitle
25 B of Title VI of Public Law 97-35, as amended, are met.

26 (b) Define and enforce state standards of programmatic
27 performance and fiscal accountability, including, but not limited
28 to, any assurances that the state makes in its state plan.

29 (c) Promulgate regulations and execute grants and contracts
30 necessary or convenient for the exercise of its responsibilities,
31 powers, and functions under the Community Services Block
32 Grant.

33 (d) Ensure that the administrative requirements of this
34 program are clear and uniform.

35 (e) Provide adequate safeguards for the due process rights of
36 eligible entities and beneficiaries.

37 ~~SEC. 30.~~

38 *SEC. 31.* Section 12781 of the Government Code is amended
39 to read:

1 12781. The department shall have the following powers and
2 duties:

3 (a) Development of an orderly grant application process
4 culminating in a prescribed contract.

5 (b) Ensuring that eligible entities will have a timely cash flow
6 within the guidelines of the federal Cash Management
7 Improvement Act of 1990 (P.L. 101-453), as amended. The
8 department shall issue to each eligible entity an advance payment
9 at the beginning of the contract period equal to 25 percent of the
10 eligible entity's total contract amount. Payments thereafter shall
11 be equal to expenditures reported on the eligible entity's financial
12 progress reports, not to exceed the eligible entity's total contract
13 amount.

14 (c) Promulgation of uniform contracts management standards
15 to include:

16 (1) Standards for fiscal control and fund accounting that do all
17 of the following:

18 (A) Require new eligible entities to be certified by an
19 accountant prior to receiving financial assistance.

20 (B) Require periodic financial reporting to the office and an
21 annual audit.

22 (C) Permit a defined range of flexibility from approved
23 budgets and the use of negotiated indirect costs rates.

24 (D) For the purpose of administrative expenditures, permit an
25 eligible entity to use funds allocated under this chapter in an
26 amount not to exceed 12 percent of ~~its total operating funds~~ *the*
27 *total operating funds of its community action program*.

28 (E) Limit the use of funds for construction, as required by
29 federal law.

30 (2) Minimum standards for procurement to prevent conflict of
31 interest or malfeasance.

32 (3) Standards regarding property that provide that title to
33 property purchased with funds granted under this chapter or with
34 funds formerly granted pursuant to the federal Economic
35 Opportunity Act of 1964 (Chapter 34 (commencing with Section
36 2701) of Title 42 of the United States Code) shall vest in the
37 grantee, subject to conditions requiring prudent property
38 management and the provision for disposition of the property
39 among other eligible entities in the event of closeout.

1 (4) ~~Standards~~ *Procedures* for the withholding of payments or
2 recovery of moneys where the ~~department determines that~~
3 underlying cost expenditures or obligations claimed by the
4 eligible entity are disallowed.

5 (5) Standards for termination or reduction of financial
6 assistance to an eligible entity, or revocation of the designation of
7 a community action agency, for failure to comply with this
8 chapter. The department may terminate or reduce any financial
9 assistance provided to an eligible entity under this chapter
10 forthwith, if the department finds there is evidence of fraud or
11 illegal use of funds. The department also may terminate or reduce
12 any financial assistance to an eligible entity, if the department
13 determines that “cause,” as defined at Section 9908(c) of Title 42
14 of the United States Code as amended, exists and after providing
15 notice and an opportunity for a hearing on the record, subject to
16 review by the secretary ~~as provided in Section 9915(b)~~ *consistent*
17 *with Section 9915* of Title 42 of the United States Code as
18 amended.

19 (d) Promulgation of regulations pursuant to the Administrative
20 Procedure Act (Chapter 3.5 (commencing with Section 11340),
21 Chapter 4 (commencing with Section 11370), and Chapter 5
22 (commencing with Section 11500), of Part 1) that are necessary
23 and appropriate for the effective administration of this chapter.
24 At a minimum these regulations shall clearly define all of the
25 following:

26 (1) The due process rights, including notification, right of
27 appeal, and opportunity for a fair hearing, of eligible entities, and
28 the procedures to be followed in order to guarantee those rights,
29 in cases of denial of refunding, suspension, reduction, or
30 termination of funding, or revocation of designation by the
31 department.

32 (2) The obligation of eligible entities to provide a fair
33 procedure for clients denied services by eligible entities.

34 (3) The requirement that community action agencies select
35 tripartite boards that include persons who represent the poor.
36 These regulations shall ensure that democratic procedures are
37 fully operative and may include criteria for tenure, geographic
38 representation, and election procedures.

39 (e) Establishment of procedures for orderly closeout of
40 terminated entities.

(f) Monitoring and periodic evaluation of eligible entities, using evaluation methods and standards that have been published prior to the evaluation and that provide eligible entities an opportunity to respond to evaluation findings.

(g) Development of standards to eligible entities compliance with federal and state requirements for public access to records, prohibition of partisan political activities, and nondiscrimination.

(h) Establishment of policies and procedures that ensure freedom of information.

(i) Fostering cooperation among community action agencies, including providing opportunities for community action agencies to work together and publishing a directory, that shall be periodically updated, of all grantees under this program and the Low-Income Home Energy Assistance Program (Subchapter II (commencing with Section 8621) of Chapter 94 of Title 42 of the United States Code).

(j) Establishment of procedures for the allocation of the funds available pursuant to subdivision (c) of Section 12759.

(k) Identification and encouragement of linkages with other state departments, local governments or private groups that oversee programs providing resources for low-income persons in order to coordinate existing efforts to overcome poverty.

~~SEC. 31.~~

SEC. 32. Section 12785 of the Government Code is amended to read:

12785. If diminished federal appropriations for the Community Services Block Grant result in California's share for any fiscal year being reduced by any amount up to 3.5 percent below the amount appropriated in the annual Budget Act, the director shall use the discretionary fund to proportionately restore Community Services Block Grant grantees and contractors *eligible entities* to full funding levels.

If ~~that~~ diminished federal appropriations for the Community Services Block Grant result in California's share for any federal fiscal year being reduced by 5 percent or more below the amount appropriated in the annual Budget Act, the director and the ~~Department of Economic Opportunity~~ *Community Services Block Grant* Advisory Commission shall so inform the Speaker of the Assembly and the President pro Tempore of the Senate by letter within 10 days of the congressional action authorizing the

1 diminished appropriations. At the end of the state fiscal year in
2 which the letters were transmitted, the requirements of this
3 section shall be suspended until the Legislature makes a statutory
4 determination regarding the adjustments in fund allocations to be
5 made in response to the above-described contingency.

6 ~~SEC. 32.~~

7 *SEC. 33.* Section 12787 of the Government Code is amended
8 to read:

9 12787. Nothing in this chapter shall be construed to prohibit
10 an eligible entity under Article 6 (commencing with Section
11 12750), 7 (commencing with Section 12765), or 8 (commencing
12 with Section 12770), from applying for state discretionary funds,
13 provided that no discretionary funding received by the eligible
14 entity shall be used to duplicate services funded pursuant to other
15 provisions of this chapter.

16 ~~SEC. 33. No reimbursement is required by this act pursuant~~
17 ~~to Section 6 of Article XIII B of the California Constitution~~
18 ~~because the only costs that may be incurred by a local agency or~~
19 ~~school district will be incurred because this act creates a new~~
20 ~~crime or infraction, eliminates a crime or infraction, or changes~~
21 ~~the penalty for a crime or infraction, within the meaning of~~
22 ~~Section 17556 of the Government Code, or changes the~~
23 ~~definition of a crime within the meaning of Section 6 of Article~~
24 ~~XIII B of the California Constitution.~~